

1 Albert J. Tumpson (State Bar No. 122950)
LAW OFFICES OF ALBERT J. TUMPSON
2 9595 Wilshire Boulevard, Suite 305
Beverly Hills, California 90210
3 Telephone: (310)858-7635

4 Attorneys for Defendants, PAUL KANTNER and SAIO THORN, INC.

5
6 UNITED STATES DISTRICT COURT
7
8 NORTHERN DISTRICT OF CALIFORNIA
9
10 SAN FRANCISCO DIVISION

11 JEFFERSON STARSHIP, INC., GRACE)
SLICK JOHNSON p/k/a GRACE SLICK and)
WILLIAM C. THOMPSON)

12 Plaintiffs,)
13)

14 vs.)

15 PAUL KANTNER, SAIO THORN, INC. and)
MICHAEL GAIMAN, individually and d/b/a)
MISSION CONTROL)

16)
17 Defendants)
18)

CASE NO. C 07-01586 MHP

**STIPULATION AND ~~PROPOSED~~
ORDER RE: RESPONSE TO FIRST
AMENDED COMPLAINT**

19 The signatories below, by and through their counsel, being all of the parties to this action,
20 hereby stipulate as follows:

21 **WHEREAS** the First Amended Complaint herein ("FAC") was served upon Kantner on
22 July 6, 2007; and

23 **WHEREAS** Defendants, Paul Kantner and Saio Thorn, Inc. (the "Defendants"), desire to
24 file a Motion to Dismiss as their initial response to the FAC; and

25 **WHEREAS** the Court's Standing Order No. 4 prohibits filing a motion to dismiss prior
26 to the initial Case Management Conference, currently scheduled for August 27, 2007, without
27 Court approval; and
28

STIPULATION AND ORDER RE: RESPONSE TO COMPLAINT– C 07-01586 MHP

1 **WHEREAS** in order to avoid the time and expense of Defendants' filing an Answer and
2 then filing a Motion to Dismiss, Plaintiffs and Defendants have stipulated and agreed that the
3 time for the Defendants' Answer or other response to the FAC shall be extended until September
4 15, 2007;

5 **NOW, THEREFORE**, Plaintiffs and Defendants hereby stipulate that the time for the
6 Defendants' Answer or other response to the FAC shall be extended until September 15, 2007.

7 Dated: August 16, 2007

8 LAW OFFICES OF GLENDON W. MISKEL

9
10 /S/
11 Glendon W. Miskel, Attorney for Plaintiffs,
12 Jefferson Starship, Inc., Grace Slick Johnson
13 and William C. Thompson

14 LAW OFFICES OF ALBERT J. TUMPSON

15 /S/
16 Albert J. Tumpson, Attorney for Defendants,
17 Paul Kantner and Saio Thorn, Inc.

18
19 Dated: August __, 2007

20 It is hereby **ORDERED** that the time for the Answer or other response of the Defendants,
21 Paul Kantner and Saio Thorn, Inc., to the FAC shall be extended until September 15, 2007.



DECLARATION OF ALBERT J. TUMPSON

I, Albert J. Tumpson, hereby declare as follows:

1. The testimony set forth in this declaration is given of my own personal knowledge and, if called to testify in this matter, I would so state.

2. I am counsel for the Defendants, Paul Kantner and Saio Thorn, Inc. (the “Defendants”) in the captioned matter.

3. The FAC herein was served upon Kantner on July 6, 2007.

4. Plaintiffs filed, on August 10, 2007, a “Notice of Sub-Service of Process on Saio Thorne, Inc. C/O Mission Control,” which asserts that the Defendant, Saio Thorne, Inc., was served on July 29, 2007.

5. Plaintiffs and Defendants previously agreed to extend the time for Defendant Kantner to answer or otherwise respond to the FAC from July 26, 2007 until August 9, 2007, which was the only time modification which has occurred in this case.

6. Defendants, Paul Kantner and Saio Thorn, Inc. (the “Defendants”), desire to file a Motion to Dismiss as their initial response to the FAC.

7. The Court’s Standing Order No. 4 prohibits filing a Motion to Dismiss prior to the initial Case Management Conference, currently scheduled for August 27, 2007, without Court approval.

8. In order to avoid the time and expense of Defendants’ filing an Answer and then filing a Motion to Dismiss, Plaintiffs and Defendants have stipulated and agreed that the time for the Defendants’ Answer or other response to the FAC shall be extended until September 15, 2007.

9. Since the Court has not set any dates for this case except for the date of the Case Management Conference, this time modification will have no effect on the schedule for this case.

10. Defendant, Saio Thorn, Inc. does not, by this stipulation, intend to make a general appearance herein.

///

///

///

///

1 I declare under penalty of perjury under the laws of the State of California and the United
2 States of America that the foregoing is true and correct.

3 Given this August 16, 2007 at Beverly Hills, California.

4
5
6 /S/
Albert J. Tumpson
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SIGNATURE ATTESTATION

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within the foregoing efiled document.

/S/
Albert J. Tumpson

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 9595 Wilshire Boulevard, Suite 305, Beverly Hills, California 90212.

On August 16, 2007, I served the foregoing document described as: **STIPULATION AND ORDER RE: RESPONSE TO FIRST AMENDED COMPLAINT** on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

Glendon W. Miskel, Esq.
LAW OFFICES OF JOHNSON & MISKEL
2330 Marinship Way
Suite 230, Marina Office Plaza
Sausalito, California 94965-2800

☒ BY MAIL

☐ I deposited such envelope in the mail at Beverly Hills, California. The envelope was mailed with postage thereon fully prepaid.

☐ I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day with postage thereon fully prepaid at Beverly Hills, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee so specified.

☐ FACSIMILE: I caused the foregoing document to be sent by facsimile to the fax number indicated above.

Executed on November 12, 2002 at Los Angeles, California.

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

ALBERT J. TUMPSON

/S/

Type or print name

Signature